

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UMG RECORDINGS, INC., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 1:17-cv-00365-DAE
)	
GRANDE COMMUNICATIONS)	
NETWORKS LLC,)	
)	
Defendant.)	

**DEFENDANT GRANDE COMMUNICATIONS NETWORKS LLC’S
MOTION FOR APPROVAL OF SUPERSEDEAS BOND
AND STAY OF JUDGMENT UNDER RULE 62(b)**

Defendant Grande Communications Networks LLC (“Grande”) respectfully moves for approval of a supersedeas bond in the amount of \$46,872,250.23 issued by United States Fire Insurance Company and for a stay of execution on the January 30, 2023 Judgment (ECF No. 481) under Federal Rule of Civil Procedure 62(b). Grande provided Plaintiffs with a copy of this motion today and Plaintiffs indicated that they do not yet have a position on whether it is opposed or unopposed.

INTRODUCTION

Under Federal Rule of Civil Procedure 62(b), “[a]t any time after judgment is entered, a party may obtain a stay by providing a bond or other security.” “[A]n appellant is entitled to a stay of execution of judgment as a matter of right if the appellant posts a supersedeas bond.” *S.E.C. v. Life Partners Holdings, Inc.*, No. 1:12-cv-00033, 2015 WL 433094, at *1 (W.D. Tex. Feb. 2, 2015).

Grande meets the criteria for obtaining a stay of execution of the Judgment entered by this

Court against it on January 30, 2023 (ECF No. 481). Grande therefore respectfully requests that the Court issue an order approving the bond and staying execution on the Judgment.

ARGUMENT

After the Court entered the judgment, Grande moved for a stay of execution and for waiver of any bond requirement (ECF No. 502), and Plaintiffs opposed, filing a conditional cross-motion for writ of execution in the amount of \$46,872,250.23 (ECF Nos. 508, 509), which reflects the amount of the Judgment (ECF No. 481) plus the amount of costs taxed (ECF No. 501). The Court denied Grande's motion and ordered that a writ of execution in the amount of \$46,872,250.23 would issue if Grande failed to obtain a corresponding bond within 14 days of its July 25, 2023 Order (ECF No. 526).

Grande has obtained a supersedeas bond in the total amount of \$46,872,250.23—the amount for which Plaintiffs sought a writ of execution. The bond is issued by United States Fire Insurance Company, which is on the United States Treasury's list of approved sureties. *See* List of Certified Companies, U.S. Department of the Treasury, <https://www.fiscal.treasury.gov/files/surety-bonds/list-certified-companies.pdf>. A copy of the bond, which is dated August 4, 2023, is attached hereto as Exhibit A.

Pursuant to Rule 62(b), Grande is entitled to an order staying execution on the Judgment upon the approval by this Court of this supersedeas bond. *Life Partners Holdings*, 2015 WL 433094, at *1. The bond that Grande has obtained is sufficient to satisfy the Judgment in full, as well as costs.

Because Grande has secured a bond from an acceptable surety company in an amount sufficient to satisfy the Judgment, plus costs, Grande respectfully submits that the Court should issue an order approving the bond and staying enforcement of the Judgment pending all appellate

proceedings.

CONCLUSION

The supersedeas bond that Grande has presented for consideration satisfies the criteria established by courts in this jurisdiction for obtaining by right a stay of judgment pending appeal pursuant to Federal Rule of Civil Procedure 62(b). Accordingly, Grande respectfully requests that the Court approve the supersedeas bond attached as Exhibit A and order that execution on the January 30, 2023 Judgment (ECF No. 481) is stayed pending the final resolution of all appellate proceedings.

Dated: August 8, 2023

By: /s/ Zachary C. Howenstine

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7, the undersigned certifies that counsel for the parties conferred regarding this motion today and Plaintiffs indicated that they do not yet have a position on whether it is opposed or unopposed.

/s/ Zachary C. Howenstine
Zachary C. Howenstine